

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

SKYPORT GLOBAL
COMMUNICATIONS, INC.,
Debtor

JOANNE SCHERMERHORN, JOHN K.
WAYMIRE, ET AL.,
PLAINTIFFS

VS.

CENTURYTEL, INC. (A/K/A CENTURYLINK),
CLARENCE MARSHALL, ET AL.,
DEFENDANTS

CASE NO. 08-36737-H4-11
(Chapter 11)

ADVERSARY NO. 10-03225

ORDER GRANTING APPLICATION FOR PRELIMINARY INJUNCTION

Defendants, SkyPort Global Communications, Inc. (“Skyport”), Robert Kubernus, and Balaton Group, Inc., have applied to this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, as incorporated by Bankruptcy Rule 7065, for an order temporarily enjoining Plaintiffs from violating the Order Confirming Plan of Reorganization, As Modified entered on August 12, 2009, at Doc. #340 in Case No. 08-36737-H4-11. On May 27, 2010, the Court held an evidentiary hearing on this application where all parties appeared, and presented documentary evidence, testimonial evidence and oral argument. At the conclusion of the presentation after carefully considering all evidence and oral argument, the Court read its finding and conclusions into the record, and determined that:

1. Applicants established a substantial likelihood of success on the merits.
2. Applicants established that absent granting of the temporary injunction they would incur irreparable harm.

3. Applicants established that absent granting of the temporary injunction, the injury they would incur far outweighs the harm to the Plaintiffs.

4. Applicants established that granting of the temporary injunction serves the public interest.

Based on the foregoing as well as all of the findings of facts and conclusions of law read into the record, the Court is of the opinion that the temporary injunction should be granted. Therefore, it is

ORDERED that until further Order of this Court, temporary injunction is granted; it is further

ORDERED that Plaintiffs are temporarily enjoined from: (i) pursuing any and all claims or causes of action, derivative or direct, against all of the Defendants, and (ii) contacting any customers, vendors, current employees or former employees; it is further

ORDERED that the Plaintiffs shall strictly comply with all terms and conditions of the Order Confirming Plan referred to above as well as the plan and modification attached thereto.

DATED: _____

HONORABLE JEFF BOHM
UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM

HOOVER SLOVACEK, LLP

/s/ Edward L. Rothberg

By: _____

Edward L. Rothberg
State Bar No. 17313990
5847 San Felipe, Ste 2200
Houston, Texas 77057
(713) 977-8686
(713) 977-5395 (fax)

ATTORNEY FOR SKYPORT
GLOBAL COMMUNICATIONS, ET. AL.

McFALL, BREITBEIL & SHULTS, P.C.

Refused to agree

By: _____

W. STEVE SMITH
State Bar No. 18700000
1331 Lamar Street, Suite 1250
Houston, Texas 77010
(713) 590-9300
(713) 590-9399 (fax)

AND

SAMUEL GOLDMAN & ASSOC.

Refused to agree

By: _____

SAMUEL GOLDMAN
100 Park Ave., 20th Fl.
New York, NY 10017
(212) 725-1400
(212) 725-0805 (fax)

AND

THE FRYAR LAW FIRM

Refused to agree

By: _____

F. ERIC FRYAR
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ATTORNEYS FOR JOANNE SCHERMERHORN, ET. AL.

MCKOOL SMITH, P.C.

/s/ Hugh M. Ray, III

By: _____

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ATTORNEYS FOR CENTURY TEL, ET. AL DEFENDANTS